HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.19860 of 1997

22.8.2007

Between

Adapa Sooramma ..Petitioner

AND

The District Collector, Vizianagaram District and others ..Respondents

:: JUDGMENT :

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.19860 of 1997

This writ petition has been instituted seeking the following relief:

> "For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring that the respondents 1 to 3 have no authority or jurisdiction to evict the petitioner in respect of the lands comprised in Survey No.3/8, 3/7, 3/10, 3/11, 3/9, 3/12 and 15/11 total extent of Ac.1.60 cents situated at Chouduvada, Poosapetarega Mandalam, Vizianagaram district as the said lands cannot be treated as assigned lands and the provisions of other acts have no application and consequently direct the respondents herein not to dispossess the petitioner from the said lands and pass such other order or orders as are deemed fit and proper."

Heard the learned Government Pleader for Assignment.

It has now come on record that the land of an extent of Ac.4.10 cents situate in Survey Nos.15/1 and 3-P of Chouduvada Village was in fact surrendered on 8.6.1983 by the original land holder as he was holding this land in excess of the ceiling limits. Subsequently, six persons have been assigned small extents of land comprising this Ac.4.10 cents on payment of nominal amounts on instalment basis. But however, it has been specified that these assigned lands are not

alienable by them. Unfortunately, the writ petitioner was sold the land in question by those assignees for valuable consideration. He had parted with the money and he has been delivered possession and by his hard toil, he was improving upon the land of his and at that stage, he was threatened with eviction from out of the land by the revenue establishment. That prompted the writ petitioner to institute the present writ petition. There was no dispute that the petitioner purchased the land in question on 2.8.1989 and that he had also paid valuable consideration representing the market value to his vendors. But however, the Mandal Revenue Officer who filed the counter affidavit in the matter has categorically stated in paragraph 8 as follows:

> "Hence, it is submitted that no action has been initiated under Act 9/77 as apprehended by the petitioner. Any proposed action will be taken in accordance with law only."

It is therefore clear that the apprehension entertained by the writ petitioner had not come through. However, if any action as proposed or suggested to be taken in the matter be initiated, the principles of natural justice be faithfully complied with by providing an opportunity to the writ petitioner who is the interested person in the land in question to establish the genuineness of his claim of purchase and his own social and economic status which disentitles the State from resuming the land in question from the petitioner. This exercise if any, be accomplished within a period of six months and till such time the appropriate order is passed, no attempt shall however be made to interfere with the right of the petitioner to his peaceful possession of

the land in question.

With this, the writ petition stands disposed of. No costs.

NOOTY RAMA MOHANA RAO.J.

22.8.2007
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